

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,
Plaintiff,

v.

Ernesto Alonso HERNANDEZ-Tolosa (1)
Marco Julio RICO-Lopez (2)
Defendants.

Magistrate Case No.:

COMPLAINT FOR VIOLATION OF

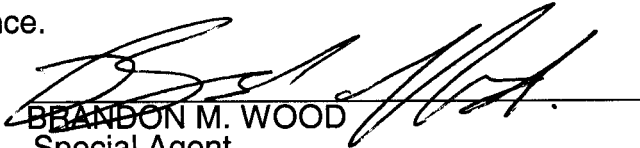
21 U.S.C. § 952 and 960
Importation of a Controlled Substance
(Felony)

'08 MJ 84 28

The undersigned complainant being duly sworn states:

That on or about May 15, 2008, within the Southern District of California, defendants Ernesto Alonso HERNANDEZ-Tolosa and Marco Julio RICO-Lopez did knowingly and intentionally import approximately 10.28 kilograms (20.56 pounds) of marijuana, a Schedule I Controlled Substance, into the United States from a place outside thereof, in violation of Title 21, United States Code, Sections 952 and 960.

The complainant states that this complaint is based on the attached Statement of Facts incorporated herein by reference.


BRANDON M. WOOD
Special Agent
U.S. Immigration & Customs
Enforcement

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS 16th,
DAY OF MAY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.

Ernesto Alonso HERNANDEZ-Tolosa (1)

3 Marco Julio RICO-Lopez (2)

4
5 STATEMENT OF FACTS

6 This Statement of Facts is based on the reports, documents, and notes
7 furnished to U. S. Immigration and Customs Enforcement Special Agent Brandon
8 Wood.

9 On May 15, 2008, at approximately 1636, Ernesto Alonso HERNANDEZ-Tolosa
10 and Marco Julio RICO-Lopez entered the United States at the Calexico, California,
11 West Port of Entry. HERNANDEZ was the driver and registered owner of a 1992 Jeep
12 Cherokee with Mexican license plate number BEK3461. RICO was a passenger in the
13 vehicle.

14 Customs and Border Protection Officer (CBPO) I. Solis was manning primary
15 lane four (4) when a black Jeep Cherokee approached her lane for inspection. The
16 driver presented his DSP-150 identifying himself as Ernesto Alonso HERNANDEZ-
17 Tolosa. The passenger in the vehicle presented a DSP-150 to CBPO Solis, identifying
18 himself as Marco Julio RICO-Lopez. HERNANDEZ stated to CBPO Solis he was the
19 owner of the vehicle, but had not registered the vehicle under his name. HERNANDEZ
20 gave a negative Custom's declaration to CBPO Solis and stated he was on his way to
21 go shopping. CBPO Solis asked HERNANDEZ if he was bringing drugs into the United
22 States and HERNANDEZ responded emotionally and strongly by stating, "No, No, No."
23 CBPO Solis referred HERNANDEZ and RICO and the vehicle to the vehicle secondary
24 lot for more intensive inspection.

25 In the vehicle secondary lot, Customs and Border Protection Canine
26 Enforcement Officer (CEO) J. Jones was conducting a lot sweep with his Narcotics
27 Human Detector Dog (NHDD) when his NHDD alerted to the 1992 Jeep Cherokee.
28 CEO J. Jones informed CBPO J. Tubbs of the alert.
29

1 CBPO Tubbs received a negative Customs declaration from HERNANDEZ and
2 RICO. HERNANDEZ stated to CBPO Tubbs he had owned the vehicle for two (2)
3 months. CBPO Tubbs upon further inspection of the vehicle discovered plastic
4 wrapped packages behind foam and padding in the rear seat of the vehicle. CBPO
5 Tubbs probed a package and a green leafy substance was extracted that tested
6 positive for marijuana, a Schedule I Controlled Substance. The total weight of the
7 packages was 10.28 kilograms (20.56 pounds).

8 Special Agent Brandon Wood placed HERNANDEZ and RICO under arrest for
9 violation of Title 21 United States Code 952 and 960, Importation of a Controlled
10 Substance. HERNANDEZ and RICO were advised of their Constitutional Rights, per
11 Miranda, which they both acknowledged and waived.

12 HERNANDEZ and RICO admitted knowledge that a controlled substance was
13 concealed within the vehicle. HERNANDEZ stated to Agent Wood he and RICO were
14 both to be paid \$1,200.00 to smuggle the controlled substance into the United States
15 and drop it off in Los Angeles. RICO stated he thought he would be paid around
16 \$300.00 to accompany HERNANDEZ across the border and then be dropped off at the
17 mall in El Centro, California.